



SO ORDERED.

SIGNED this 08 day of March, 2007.

A handwritten signature in black ink, appearing to read "A. Thomas Small".

A. Thomas Small
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION

In Re:

Alexander Winston

Case No. 03-02665-5-ATS

Chapter 13

Social Security No. xxx-xx-4667

Address: 5571 Devinswood Road, Oxford NC 27565-

Debtor

**ORDER AVOIDING JUDICIAL LIEN OF GREENWOOD TRUST COMPANY BY ITS AGENT
PURSUANT TO 11 U.S.C. § 522(f)**

THIS CHAPTER 7 CASE is before the Court for consideration of a motion filed by the Debtor to avoid a judicial lien pursuant to U.S.C. § 522(f) of the Bankruptcy Code and to approve an additional attorney fee; and having considered the motion and the other matters of record in this case, the Court finds and concludes as follows:

1. That the Motion to Avoid Judicial Lien was duly served on all parties in interest, and that the time for objecting to the relief requested has expired without any objections being, filed; and
2. That the Debtor is now, and has been at all times since this case was filed, the owner of real property known as 5571 Devinswood Road (formerly known as 1009-C Roxboro Road), Oxford, N.C. 27565 (hereinafter "said property"); and that said property is more particularly described as: Same property as described in Deed Book 736 at Page 48 as set forth in the Granville County Registry of Deeds.; and
3. That said property had a value of \$53,877.00, as of the date this bankruptcy case was filed; and
4. That as of the date this case was filed, said property was the residence of the Debtor, and the Debtor has claimed and was entitled to claim an exemption in said property pursuant to N.C.G.S. § 1C-1601(a)(1) of not more than \$10,000.00; and
5. That Greenwood Trust Company by its agent Discover Financial Services, Inc., holds a judicial lien docketed in Granville County Clerk's File No. 02 CVD 14 and which was recorded on 6/26/02 in the Granville County, Book of Judgments number 195 at Page 42, in the amount of approximately \$6,233.04, plus interest at the rate of 8.00 percent per annum. That, upon information and belief, the balance owing to said creditor concerning said judicial lien, together with interest, as of the date this case was filed, was approximately \$7,726.00; and

6. That said judicial lien constitutes a lien upon said real property; and
7. That, as of the date this case was filed, the only other liens against the property recorded in Granville County were the following:

Name of Creditor Holding Lien	Type of Lien	Payoff Amount of Lien
Homeq Servicing Corp.	Deed of Trust	\$56,572.00
Total Amount of Other Liens:		\$56,572.00

8. That since the sum of the amount of the said judicial lien held by said Greenwood Trust Company by its agent Discover Financial Services, Inc., the total amount of all other said liens on the said real property, and the amount of the exemption that the Debtor were entitled to claim if there were no liens on the property, exceeds the value of the real property (or, in the event that the Debtor own less than a 100% interest in said real property, the value of the Debtor's interest in said property) by \$20,421.00, the said judicial lien impairs an exemption of the Debtor; and
9. That, therefore, the judicial lien is avoidable to the full extent of said judicial lien pursuant to U.S.C. § 522(f)(2)(A); and
10. That pursuant to Local Bankruptcy Court Rule 2016-1(a)(6), an additional presumptive attorney fee will be approved to pay for the services necessary to process this motion and the ensuing order.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED as follows:

1. That said judicial lien held by Greenwood Trust Company by its agent Discover Financial Services, Inc., recorded in the Granville County, Book of Judgments 195 at Page 42, is hereby avoided to the full extent of said judicial lien as to said real property, more particularly described as: Same property as described in Deed Book 736 at Page 48 as set forth in the Granville County Registry of Deeds; and that said judgment shall have no further force or effect as to said real property; and
2. Furthermore, upon this Court entering an Order of discharge of the Debtor, or of an Order approving the sale of said real property, as the case may be, said judicial lien shall be deemed cancelled-of-record in its entirety, and by virtue of such avoidance, said judicial lien is reduced to \$0.00; and
3. That, at such time, in accordance with the requirements of N.C.G.S. §47-29, the Register of Deeds for the County of Granville, North Carolina, may record in the office of said Register of Deeds a copy of this order avoiding said judicial lien, together with a copy of the discharge order issued in this bankruptcy case or the order approving sale of the property, as the case may be, upon being presented with certified copies thereof., and
4. That an additional attorney fee in the sum of \$ 200.00, plus an amendment filing fee of \$26, for a total of \$226 to be paid by the Chapter 13 Trustee as an administrative expense, is approved.

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